

Docket No.: 275172US6PCT/jkl

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hirosato AMANO

SERIAL NUMBER: 10/542,089

GROUP: 3751

FILED: April 4, 2006

EXAMINER: NIESZ, JASON KAROL

FOR: POWDER FILLING METHOD, POWDER FILLING DEVICE, AND POWDER
FILLING NOZZLE

PETITION FOR CONSIDERATION UNDER 37 C.F.R. § 1.181(a)(3)

MAIL STOP ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Applicant herein petitions the Commissioner to invoke his supervisory authority to compel the Examiner to consider the Document (AO) cited in the Information Disclosure Statement filed on August 10, 2005.

The Information Disclosure Statement, in conformity with the requirements of 37 C.F.R. §1.97-1.98, was filed on August 10, 2005, together with a concise explanation of relevancy comprising the English copy of the International Search Report stating the relevance of Document (AO) cited in the Information Disclosure Statement. The above-referenced application has now been allowed. Document (AO) cited in the Information Disclosure Statement was denied consideration by the Examiner on June 12, 2008.

37 C.F.R. §1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances. The Information Disclosure Statement is in compliance with 37 C.F.R. §1.97-1.98 since the references cited therein were described as being relevant on the International Search Report. A copy of the International Search Report in English may be found on PAIR as NPL documents submitted with the Information Disclosure Statement filed August 10, 2005. Accordingly, it is respectfully submitted that this Petition Under 37 C.F.R. §1.181 be granted and that the Examiner consider the

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Reply to Notice of Allowance mailed October 16, 2008

Information Disclosure Statement filed August 10, 2005, in its entirety including the
Document (AO) reference cited therein.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Registration No. 34,648

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/04)

Craig R. Feinberg
Registration No. 62,116